

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DARREN HARRIS,

Plaintiff,

v.

DR. KIM, et al.,

Defendants.

1:05-cv-00003 ALA P

ORDER DIRECTING SERVICE
BY THE UNITED STATES MARSHAL
WITHOUT PREPAYMENT OF COSTS

Plaintiff is proceeding in forma pauperis pursuant to 28 U.S.C. § 1915. The court previously ordered plaintiff to provide information for service of process on form USM-285, sufficient copies of the complaint for service, and a notice of compliance. Plaintiff has filed the required papers. Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of the Court is directed to forward the following documents to the United States Marshal:

- (1) One completed and issued summons for each defendant to be served;
- (2) One completed USM-285 form for each defendant to be served;
- (3) One copy of the complaint filed on January 3, 2005 for each defendant to be served, plus an extra copy for the Marshal;
- (4) One copy of this order for each defendant to be served, plus an extra copy for the Marshal;

- 1 (5) One copy of the court's consent form for each defendant to be served.
- 2 2. Within ten days from the date of this order, the United States Marshal is directed to notify the
- 3 following defendants of the commencement of this action and to request a waiver of service in
- 4 accordance with the provisions of Fed. R. Civ. P. 4(d) and 28 U.S.C. § 566(c):
- 5 a. Olivarria
- 6 b. Castro
- 7 c. Molina
- 8 d. Williams
- 9 e. Clark
- 10 f. Kim
- 11 g. Klarich
- 12 h. Lowden
- 13 3. The U.S. Marshal is directed to retain the summons and a copy of the complaint in their file for
- 14 future use.
- 15 4. The United States Marshal shall file returned waivers of service as well as any requests for
- 16 waivers of service that are returned as undelivered as soon as they are received.
- 17 5. If a waiver of service is not returned by a defendant within sixty days of the date of mailing the
- 18 request for waiver, the United States Marshal shall:
- 19 a. Personally serve process and a copy of this order upon the defendant pursuant
- 20 to Rule 4 of the Federal Rules of Civil Procedure and 28 U.S.C. § 566(c) and
- 21 shall command all necessary assistance from the California Department of
- 22 Corrections (CDC) to execute this order. The United States Marshal shall
- 23 maintain the confidentiality of all information provided by the CDC pursuant to
- 24 this order.
- 25 b. Within ten days after personal service is effected, the United States Marshal
- 26 shall file the return of service for the defendant, along with evidence of any
- 27 attempts to secure a waiver of service of process and of the costs subsequently
- 28 incurred in effecting service on said defendant. Said costs shall be enumerated

1 on the USM-285 form and shall include the costs incurred by the Marshal's office
2 for photocopying additional copies of the summons and complaint and for
3 preparing new USM-285 forms, if required. Costs of service will be taxed
4 against the personally served defendant in accordance with the provisions of Fed.
5 R. Civ. P. 4(d)(2).

6 6. In the event that defendants make an appearance in this action by filing an answer,
7 dispositive motion, or other pleading, the U.S. Marshals Service need not personally serve those
8 defendants.

9 7. In the event that defendants either waive service or are personally served, defendants
10 are required to reply to the complaint. 42 U.S.C. §1997e(g)(2).

11 DATED: September 7, 2007

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13 /s/ Arthur L. Alarcón
14 UNITED STATES CIRCUIT JUDGE
15 Sitting by Designation
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